

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
IN CLERKS OFFICE

IN RE MASSACHUSETTS STATE COURT  
DIET DRUG LITIGATION

Civil Action  
No. 00-9999-G

2004 JUN -2 P 12:51  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

Mary Andrus; Eleanor Archambeau;  
Diane Bonneau; Lertis Caldwell;  
Priscilla Cote; Theresa DeJoy;  
Laural Fankhauser; Nancy Kennedy;  
Barbara Williams; Lucinda Youell,

Plaintiffs

v.

C.A. NO. 04CV10911-GAO

Indevus Pharmaceuticals, Inc., F/K/A  
Interneuron Pharmaceuticals, Inc.;  
Wyeth, Inc., F/K/A American Home  
Products Corporation;  
Wyeth Pharmaceuticals, Inc F/K/A  
Wyeth-Ayerst Pharmaceuticals,  
Inc., A Division Of American Home Products  
Corporation; and Boehringer Ingelheim  
Pharmaceuticals, Inc.,

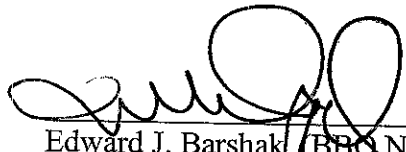
Defendants

**PLAINTIFFS' AFFIDAVIT OF SERVICE IN COMPLIANCE WITH  
MASSACHUSETTS GENERAL LAWS, CHAPTER 223A, § 6**

I, Michael S. Appel, counsel for the plaintiffs in the above-entitled action, say that on May 7, 2004, I gave written notice to the defendant, Wyeth Pharmaceuticals, Inc. F/K/A Wyeth-Ayerst Pharmaceuticals, Inc., of filing a Complaint against it by mailing a letter, postage prepaid, certified mail and return receipt requested, enclosing therein a copy of the (1) Summons; (2) Complaint; (3) Amended Complaint; (4) Civil Action Cover Sheet; and (5) Tracking Order, to the defendant at 500 Arcola Road, Collegeville, PA 19426-3982.

Said return receipt is attached hereto.

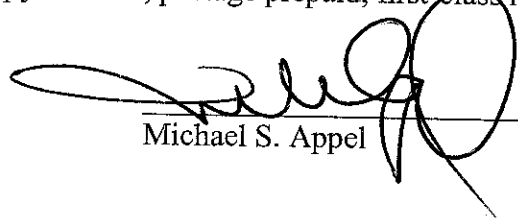
SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 1  
DAY OF JUNE, 2004.

  
\_\_\_\_\_  
Edward J. Barshak, (BBO No. 032040)  
Michael S. Appel, (BBO No. 543898)  
Sugarman, Rogers, Barshak & Cohen, P.C.  
101 Merrimac Street, 9<sup>th</sup> Floor  
Boston, MA 02114  
(617) 227-3030

Dated: 6/1/04

CERTIFICATE OF SERVICE

I, Michael S. Appel, attorney for plaintiffs, hereby certify that I have this day forwarded the within Defendant's Affidavit of Service in Compliance with Mass. General Laws, Chapter 223A, §6 by mailing a copy of same, postage prepaid, first-class mail, to all parties.

  
\_\_\_\_\_  
Michael S. Appel

Dated: 6/1/04

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
**President**  
**Wyeth Pharmaceuticals, Inc.**  
**500 Arcola Road**  
**Collegeville, PA 19426-3982**

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature **X** *[Signature]* ☐ Agent ☐ Addressee

B. Received by (Printed Name) *M. B. [illegible]*

C. Date of Delivery *5/19/04* ☐ Yes ☐ No

D. Is delivery address different from item 1? ☐ Yes ☐ No  
 If YES, enter delivery address below:

3. Service Type ☒ Certified Mail ☐ Express Mail  
☐ Registered ☒ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number  
 (Transfer from service label)  
**7002 0860 0007 4926 2265**

102595-02-M-1540

Domestic Return Receipt

August 2001

TO PLAINTIFF'S ATTORNEY: PLEASE CIRCLE TYPE OF ACTION INVOLVED: —  
 TORT — MOTOR VEHICLE TORT — CONTRACT —  
 EQUITABLE RELIEF — OTHER

## COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT  
 DEPARTMENT  
 OF THE  
 TRIAL COURT  
 CIVIL ACTION  
 No. 04-909

MIDDLESEX  
 [seal], ss

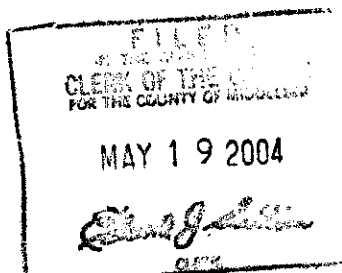
MARY ANDRUS, ET AL.

....., Plaintiff(s)

v.

INDEVUS PHARMACEUTICALS, INC., F/K/A INTERNEURON PHARMACEUTICALS  
 INC., ET AL.

....., Defendant(s)



## SUMMONS

To the above-named Defendant:

Wyeth Pharmaceuticals, Inc. F/K/A Wyeth-Ayerst  
 Pharmaceuticals, Inc., A Division of American Home  
 Products Corporation Edward J. Barshak, Esquire, Sugarman,

You are hereby summoned and required to serve upon .....  
 Rogers, Barshak & Cohen, P.C. .... plaintiff's attorney, whose address is ..... 101 Merrimac Street,

Boston, MA 02114-4737....., an answer to the complaint which is herewith  
 served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you  
 fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also  
 required to file your answer to the complaint in the office of the Clerk of this court at .....  
 Cambridge..... either before service upon plaintiff's attorney or within a  
 reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may  
 have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's  
 claim or you will thereafter be barred from making such claim in any other action.

Witness, Suzanne V. DelVecchio, Esquire, at ..... Cambridge.....  
 the ..... 7th ..... day of ..... May.....  
 ....., in the year of our Lord ..... 2004 .....

*Edward J. Sullivan*  
 Clerk

## NOTES.

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all such defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.

NOTICE TO DEFENDANT — You need not appear personally in court to answer the complaint, but if you claim to have a defense, either you or your attorney must serve a copy of your written answer within 20 days as specified herein and also file the original in the Clerk's Office.



**SUGARMAN, ROGERS, BARSHAK & COHEN, P.C.**  
Attorneys at Law

101 Merrimac Street  
Boston, MA 02114-4737  
617-227-3030  
617-523-4001 Fax  
www.srbc.com

EDWARD J. BARSHAK  
barshak@srbc.com

May 7, 2004

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
7002 0860 0007 4926 2265

President  
Wyeth Pharmaceuticals, Inc.  
500 Arcola Road  
Collegeville, PA 19426-3982

Re: *Mary Andrus, et als., v. Indevus Pharmaceuticals, Inc., et als.*  
Middlesex Superior Court, Civil Action No. 04-909

Dear Sir/Madam:

Enclosed herewith in the above-entitled matter, please find a copy of the following documents:

1. Complaint;
2. First Amended Complaint;
3. Tracking Order;
4. Civil Action Cover Sheet; and
5. Summons.

An answer is required within 20 days of your receipt of this letter. Service is hereby made upon you in accordance with Massachusetts General Laws, Chapter 223A.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Edward J. Barshak", is written over a horizontal line.

Edward J. Barshak

Enclosures

Cc: Samuel W. Lanham, Jr., Esquire  
Neil D. Overholtz, Esquire